

**MEMO ENDORSED****BERNSTEIN, NACKMAN & FEINBERG, LLP**

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June 26, 2008

**USDS SDNY  
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ELECTRONICALLY FILED**

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DATE FILED: 6/30/08

By Telecopier to 212 805 7927  
The Hon. Naomi R. Buchwald  
United States District Court for the Southern  
District of New York  
500 Pearl Street, Room 2270  
New York, NY 10007

Re: Tombers v. IndyMac Bank, F.S.B., 08 Civ. 5068 (NRB) (JCF)  
(NY Cty. S. Ct. Index No. 601310/08)

Dear Judge Buchwald:

We represent plaintiff. Pursuant to the Court's request, the parties have agreed upon the following briefing schedule for plaintiff's motion for remand and payment of just costs pursuant to 28 U.S.C. § 1447(c) and defendant's motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6):

Plaintiff's motion to remand: served by e-mail on 6-30-08;

Defendant's opposition to motion to remand and defendant's motion to dismiss: served by e-mail on 7-18-08;

Plaintiff's reply in support of motion to remand and opposition to defendant's motion to dismiss: served by e-mail on 8-5-08;

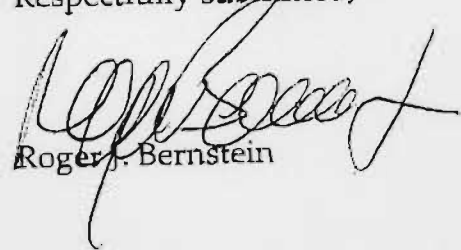
Defendant's reply in support of motion to dismiss: served by e-mail on 8-25-08.

So  
Ordered  
Naomi  
Buchwald  
USDS  
6/27/08

**MEMO ENDORSED**

The Hon. Naomi R. Buchwald  
June 26, 2008  
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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Roger J. Bernstein", written over a horizontal line.

Roger J. Bernstein

cc. Casey D. Laffey, Esq. (by e-mail)  
Richard Gottlieb, Esq. (by e-mail)  
*Co-Counsel for Defendant*